

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**ANALYTICAL TECHNOLOGIES, LLC,  
Plaintiff,**

**v.**  
**AMERICAN DAIRY QUEEN CORPORATION,  
Defendant.**

**C.A. NO. 2:24-CV-00445-JRG-RSP**

**JURY TRIAL DEMANDED  
LEAD CASE**

**ANALYTICAL TECHNOLOGIES, LLC,  
Plaintiff,**

**v.  
STARBUCKS CORPORATION,  
Defendant.**

**C.A. NO. 2:24-CV-00448-JRG-RSP**

**MEMBER CASE**

**PLAINTIFF'S ANSWER TO COUNTERCLAIMS**

Analytical Technologies, LLC (“Plaintiff” and “Counter-Defendant”) hereby files this Answer to the Counterclaims filed by Defendant Starbucks Corporation (“Starbucks” or “Defendant”) at Dkt. No. 52, and would respond as follows:

**NATURE OF THE ACTION**

1. Plaintiff admits there is a controversy and that Plaintiff has brought suit against Defendant for infringement of the ’803 Patent.

**PARTIES**

2. Plaintiff lacks sufficient information to admit or deny this allegation.
3. Plaintiff admits this allegation.
4. Plaintiff denies this allegation and demands strict proof thereof.

**JURISDICTION AND VENUE**

5. Plaintiff admits there is a controversy. Plaintiff denies that Defendant is entitled to any relief whatsoever.

6. Plaintiff admits there is a controversy. Plaintiff denies that Defendant is entitled to any relief whatsoever.
7. The plaintiff incorporates its responses above.
8. The plaintiff incorporates its responses above.
  - a. Plaintiff denies this allegation and demands strict proof thereof. Plaintiff further denies that Defendant is entitled to any relief whatsoever.
  - b. Plaintiff denies this allegation and demands strict proof thereof. Plaintiff further denies that Defendant is entitled to any relief whatsoever.
  - c. Plaintiff denies this allegation and demands strict proof thereof. Plaintiff further denies that Defendant is entitled to any relief whatsoever.
  - d. Plaintiff denies this allegation and demands strict proof thereof. Plaintiff further denies that Defendant is entitled to any relief whatsoever.
  - e. Plaintiff denies this allegation and demands strict proof thereof. Plaintiff further denies that Defendant is entitled to any relief whatsoever.
  - f. Plaintiff denies this allegation and demands strict proof thereof. Plaintiff further denies that Defendant is entitled to any relief whatsoever.
  - g. Plaintiff denies this allegation and demands strict proof thereof. Plaintiff further denies that Defendant is entitled to any relief whatsoever.
  - h. Plaintiff denies this allegation and demands strict proof thereof. Plaintiff further denies that Defendant is entitled to any relief whatsoever.
  - i. Plaintiff denies this allegation and demands strict proof thereof. Plaintiff further denies that Defendant is entitled to any relief whatsoever.
  - j. Plaintiff denies this allegation and demands strict proof thereof. Plaintiff further denies that Defendant is entitled to any relief whatsoever.
    - i. Plaintiff denies this allegation and demands strict proof thereof. Plaintiff

further denies that Defendant is entitled to any relief whatsoever.

- ii. Plaintiff denies this allegation and demands strict proof thereof. Plaintiff further denies that Defendant is entitled to any relief whatsoever.
- iii. Plaintiff denies this allegation and demands strict proof thereof. Plaintiff further denies that Defendant is entitled to any relief whatsoever.
- iv. Plaintiff denies this allegation and demands strict proof thereof. Plaintiff further denies that Defendant is entitled to any relief whatsoever.

k. Plaintiff denies this allegation and demands strict proof thereof. Plaintiff further denies that Defendant is entitled to any relief whatsoever.

l. Plaintiff denies this allegation and demands strict proof thereof. Plaintiff further denies that Defendant is entitled to any relief whatsoever. The plaintiff incorporates its responses above.

9. Plaintiff denies this allegation and demands strict proof thereof.

10. The plaintiff incorporates its responses above.

#### **COUNTERCLAIM 1: NON-INFRINGEMENT**

11. Plaintiff incorporates its responses above.

12. Plaintiff denies this allegation and demands strict proof thereof. Plaintiff further denies that Defendant is entitled to any relief whatsoever.

13. Plaintiff incorporates its responses above.

14. Plaintiff incorporates its responses above.

15. Plaintiff denies this allegation and demands strict proof thereof.

16. Plaintiff denies this allegation and demands strict proof thereof.

17. US8799083B1 expired on November 11, 2023.

18. Plaintiff admits this allegation.

19. Plaintiff admits this allegation.

20. Plaintiff denies this allegation and demands strict proof thereof.
21. Plaintiff denies this allegation and demands strict proof thereof.
22. Plaintiff incorporates its responses above.
23. Plaintiff incorporates its responses above.
24. Plaintiff incorporates its responses above.
25. Plaintiff admits this allegation.
26. Plaintiff admits this allegation.
27. Plaintiff admits this allegation.
28. Plaintiff incorporates its responses above.
29. Plaintiff admits this allegation.
30. Plaintiff admits this allegation.
31. Plaintiff incorporates its responses above.
32. Plaintiff incorporates its responses above.
33. Plaintiff admits this allegation.
34. Plaintiff incorporates its responses above.
35. Plaintiff admits this allegation.
36. Denied.
37. Denied.
38. Denied.
39. Denied.
40. Denied.
41. Denied.
42. Denied.
43. Denied.
44. Denied.

45. Denied.

46. Denied.

47. Denied.

48. Denied.

49. Denied.

50. Denied.

**COUNTERCLAIM 2: TUFTA (against Rothschild)**

51. Not applicable.

52. Not applicable.

53. Not applicable.

54. Not applicable.

55. Not applicable

56. Not applicable

57. Not applicable.

a. Not applicable

b. Not applicable

c. Not applicable

d. Not applicable

i. Not applicable

ii. Not applicable

e. Not applicable

58. Not applicable

59. Not applicable

60. Not applicable

61. Not applicable
62. Not applicable
63. Not applicable
64. Not applicable
65. Not applicable
66. Not applicable
67. Not applicable
68. Not applicable
69. Not applicable
70. Not applicable
71. Not applicable
72. Not applicable
73. Not applicable
74. Not applicable
75. Not applicable
76. Not applicable
77. Not applicable
78. Not applicable
79. Not applicable
80. Not applicable
81. Not applicable
82. Not applicable
83. Not applicable
84. Not applicable
85. Not applicable

86. Not applicable
87. Not applicable
88. Not applicable
89. Not applicable
90. Not applicable
91. Not applicable Not applicable
92. Not applicable
93. Not applicable
94. Not applicable
95. Not applicable
96. Not applicable
97. Not applicable
98. Not applicable
99. Not applicable
100. Not applicable
101. Not applicable
102. Not applicable
103. Not applicable
104. Not applicable
105. Not applicable
106. Not applicable
107. Not applicable
108. Not applicable
109. Not applicable
110. Not applicable

111. Not applicable

112. Not applicable

113. Not applicable

114. Not applicable

115. Not applicable

116. Not applicable

117. Not applicable

118. Not applicable

119. Not applicable

120. Not applicable

121. Not applicable

122. Not applicable

123. Not applicable

124. Not applicable

125. Not applicable

126. Not applicable

127. Not applicable

128. Not applicable

129. Denied

130. Denied

131. Denied

132. Denied

133. Denied

**PRAYER FOR RELIEF**

Plaintiff denies all allegations in Defendant's Prayer for Relief, and further denies Defendant is entitled to any relief whatsoever.

**AFFIRMATIVE DEFENSES**

1. **Failure to State a Claim.** The Counterclaims, and each count therein, fail to state a claim upon which relief may be granted.
2. **Unjust Enrichment.** Defendant improperly enriched itself and should not benefit for its improper and illegal acts.
3. **Validity.** Plaintiff affirmatively pleads that all Asserted Patents are valid.
4. **Infringement.** Plaintiff affirmatively pleads that Defendant has infringed, including directly (whether individually or jointly) or indirectly (whether contributorily or by inducement), all valid, enforceable claims of the Asserted Patents.
5. **Lack of Standing.** Defendant does not have any right or standing to assert the claims at issue.
6. **Legal Doctrine.** Defendant's Counterclaim against Plaintiff are barred by one or more of the equitable doctrines of laches, estoppel, acquiescence, waiver, and unclean hands.
7. **Reservation.** Plaintiff reserves the right to assert additional affirmative defenses as they become known through additional investigation and/or discovery during the course of this litigation.
8. **Lack of Capacity.**

Dated: November 13, 2024

Respectfully Submitted

*/s/ Randall Garteiser*

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